



March 22, 2012

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Rules and Regulations Implementing the Truth in Caller ID Act of 2009, WC Docket No. 11-39

Dear Ms. Dortch:

On Wednesday, March 21, 2012, Jill Canfield and the undersigned on behalf of the National Telecommunications Cooperative Association (“NTCA”), together with Keith Galitz and Brandon Zupancic of Canby Telecom (“Canby”), met with Travis Litman, John Hunter, Richard Hovey and Elizabeth Anderson from the Wireline Competition Bureau and Margaret Dailey from the Enforcement Bureau to discuss continuing concerns relating to call completion issues, phantom traffic, Truth in Caller ID issues, and access avoidance.

Canby provided the attached presentation to describe recent experiences with respect to each of these concerns. Canby’s presentation highlights the dire need for the Federal Communications Commission (the “Commission”) to take a proactive role in monitoring and enforcing its Caller ID rules, its phantom traffic rules, and its February 2012 call completion Declaratory Ruling. These new rules and rulings will only be effective if policed, and only the Commission is positioned to address them on a national level. Moreover, we urged the Commission to adopt phantom traffic rules requiring the delivery of carrier identification information, as the data provided by Canby confirms that service providers are using the anonymity afforded by the current rules to deflect any obligation for intercarrier compensation (“ICC”). We noted that such information is essential to the long-term efficacy of the phantom traffic rules, perhaps even more so than the jurisdictional nature of the call.

We also observed during the meeting that the Commission has in recent years taken concrete public steps to address concerns about “blocking” and denial of consumer choice in other contexts. For example, the Commission’s Wireless Telecommunications Bureau took immediate (and very public) note when, in 2009, it examined whether AT&T and Apple may have collaborated to deny the deployment of a Google Voice application on iPhone devices. In letters sent to AT&T, Apple, and Google, the Commission staff asked a series of detailed questions

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intended to ensure that service providers were not acting to unreasonably deny consumer choices, expectations, and demands. Copies of the Wireless Telecommunications Bureau's correspondence to AT&T, Apple, and Google are included herewith.

If the Wireless Telecommunications Bureau can send public letters in a matter of days to certain parties asking questions about potential "blocking" concerns in connection with a pending rulemaking that involved services over which the Commission's jurisdiction is unclear, we noted that it is long past time for similar public correspondence to be sent to regulated carriers that are subject to allegations of material and repeated failures in the provision of regulated services. Indeed, we noted that NTCA provided a comprehensive list of questions that the Commission can and should send to such regulated interexchange carriers in June 2011, and we urged the Wireline Competition Bureau to proceed quickly to transmit those questions now. A copy of the question list is provided herewith.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact me at (703) 351-2016 or mromano@ntca.org.

Sincerely,

/s/ Michael R. Romano
Michael R. Romano

Senior Vice President - Policy

Enclosures

cc: Travis Litman
John Hunter
Richard Hovey
Elizabeth Anderson
Margaret Dailey

Canby Telcom Ex-Parte

March 21, 2012

CANBY TELCOM

- Established 1904
- Serving Portions of Clackamas County, OR
 - 23 miles south of Portland, OR
 - Primarily farming and tree & flower nurseries
 - Three light industrial/office parks
- 9,193 Access lines
- 5,623 Hi-speed Internet (79% penetration)
- Served by Century Link Portland tandem
- MetaSwitch softswitch installed at Canby
 - Call detail analysis for this presentation comes from the MetaSwitch Service Assurance Server

Issues

- Call Completion
- Truth in Caller ID
- Access Avoidance

This presentation demonstrates that these are all closely related issues directly tied to IP-in-the-middle transport of voice services. This presentation also demonstrates that these are not solely “rural” issues or “Canby” issues, but rather are growing national issues involving numerous LECs, carriers, and ESPs, and adversely affecting interstate commerce and small businesses, while undermining the reliability of voice communications.

Call Completion

Strategic Account #1 (Canby's largest business account):

- 2 sales call centers, one each in Canby, OR and Roseburg, OR
- Heavily dependent upon inbound 800# calls to multiple sales cues
- January and February are their peak sales months
- Experiencing extremely high percentage of “short abandoned” calls to both call centers
 - Began around the first week of January 2012
 - Multiple, rapid succession calls from same calling party (“machinegun effect”)*
 - No one there when call is answered (one way media)*
 - Call failures ranged from 0-100% and appeared to change in 30-minute increments. The majority of failures were between 30-80% per 30-minute period.
 - Extensive testing and troubleshooting with the customer, their equipment vendor, Frontier, and ANPI over 5 weeks
 - We submitted a trouble ticket to **National Carrier**. They never responded despite repeated attempts to contact them regarding the ticket.
- Customer reported caller ID on many of these calls consistently displayed the name of a **wholesale provider** and **503-227-1122**** as the calling number, rather than the actual calling party's name and number.
- Canby moved customer's 800# service from **National Carrier #1** on February 10, 2012 to **National Carrier #2**. No further problems since.

* Common customer complaints / symptoms of least cost routing / IP-in-the-middle transport

** See slide 12

Call Completion

Strategic Account #2:

- Problems receiving calls to their toll free sales numbers (their customers reported being unable to terminate calls, customer reported rapid succession of incoming calls, dead air when answering)
- Problem started shortly after New Year's
- Customer escalated the issue on February 6, 2012
- Customer reported caller ID on many of these calls consistently displayed the name of a **wholesale provider** and **503-227-1122*** as the calling number, rather than the actual calling party's name and number. **
- Canby moved customer's 800# service from **National Carrier #1** on February 10, 2012 to National Carrier #2. No further problems since.

* See slide 12

** We believe this Charge Number is being inserted by the **wholesale provider**. It is not the customer's Charge Number

Call Completion / Quality

Small Business Customer Complaint – **voice quality**

- Medical facility in Bremerton, WA forwarding calls from **360-850-4xxx*** to 503-266-7xxx (medical billing service provider in Canby, OR)
- Charge Number **503-227-1122****
- **InterLATA toll call** misrouted over **RBOC** EAS trunk group
- No CIC code transmitted, no carrier / billing information transmitted

* This number belongs to a 1000s block owned by **National Carrier #3**

** See slide 12

Truth in Caller ID Act

Since January 4, 2012, Canby Telcom has been receiving customer complaints about inaccurate Caller ID displaying inaccurate calling party name and number on Interstate and Intrastate toll calls, as well as with calls from Canada.

Five Variations:

- Caller ID displays calling party = **503-227-1122*** and calling name is displayed as the name of a **wholesale provider**
 - 100% of actual calling parties numbers are non-local NPA/NXX combinations
- Caller ID is spoofed to display calling number = **000-000-0000**.
 - Call records show various Charge Numbers
- Caller ID is spoofed to display calling party = **99991503xxxx** (where xxxx = the last 4 digits of the caller's actual number).
 - Call records show Charge Number = 503-688-9987**
- Caller ID is spoofed to display the calling number = **234-567-890**
 - Call records most frequently show Charge Number = 503-688-9987**
- Caller ID displays calling party number is spoofed to display the called party's own number

* See slide 12

** This number is part of a thousands block which belongs to an **National CLEC**.

Truth In Caller ID Act –

Example #1:

- Call from **503-266-6xxx** (**calling # spoofed to called party #**) to 503-266-6xxx
- Charge number: **503-227-1122***
- Initiated: Thu 2012-02-16 15:48:44PST
- Via RBOC toll trunk group

Example #2:

- Call from **234-567-890** (**9-digit spoofed #**) to 503-266-7xxx
- Charge number: **503-227-1122***
- Initiated: Tue 2012-01-31 07:26:18 PST
- Via RBOC **EAS** trunk group

Example #3:

- Call from **234567** (**6-digit spoofed #**) to 503-266-6xxx
- Charge number: **503-205-0085****
- Initiated: Mon 2012-01-23 04:57:02 PST
- Via RBOC toll trunk group

Example #4:

- Call from **000-000-0000** (**spoofed #**) to 503-263-8xxx
- Charge number: **503-820-0035****
- Initiated: Wed 2012-02-15 11:00:42 PST
- Via RBOC toll trunk group

* See slide 12

** These numbers belong to 1000's blocks which belong to **National Carrier #4**. Return calls to these numbers result in fast busy or recording "please enter your account number."

Access Avoidance

Data: January 4-7, 2012

- Because these calls are mis-routed over a local EAS trunk group, they do not generate billing records, and the call records do not include carrier information, such as an OCN (Operating Company Number). This prevents us from billing terminating access
- **32.1% of all incoming EAS traffic is actually from non-local NPA/NXX combinations with either the 503-227-1122** or 503-688-9987* Charge Number inserted.** Every single call but one was mis-routed to Canby as local EAS traffic.
- 7.98% of total incoming calls from non-local NPA/NXX combinations were mis-routed as EAS traffic to Canby. A small percentage of these are calls from roaming wireless subscribers. We have documented many which originate from TDM landlines.
- Calls with the **503-688-9987*** Charge Number account for 7.48% of total incoming calls (9,974 calls) to Canby. 100% were routed to Canby as local EAS traffic. 0% were transmitted with a CIC code.
- Calls with the **503-227-1122**** Charge Number account for 6.85% of total incoming calls (9,128 calls) to Canby. 99.99% were mis-routed to Canby as local EAS traffic. 0% were transmitted with a CIC code.

* This thousands block belongs to a **National CLEC**. This number is not the customer's Charge Number.

** See slide 12

Access Avoidance – Customer Complaints

Examples #1:

- Call from 306-872-4xxx***
(Saskatchewan, Canada) to 503-263-3xxx
- Charge number: **503-227-1122***
- Initiated: Thu 2012-02-09 10:34:37 PST
- Via **EAS** trunk group

Example #2:

- Call from 541-574-2xxx** to 503-266-2xxx
- Charge number: **503-227-1122***
- Initiated: Wed 2012-02-01 09:15:40 PST
- Via **EAS** trunk group

* See slide 12

** NPA/NXX 541-574 belongs to **RBOC** end office

*** NPA/NXX 306-872 belongs to SaskTel, Canada end office

Access Avoidance

Customer Complaints

Example #3:

- Call from **999915032154** (**spoofed #**) to 503-266-9xxx
- Charge Number: **503-688-9987***
- Initiated: Tue 2012-01-17 11:55:55 PST
- Via RBOC **EAS** trunk group
- Actual calling number is **402-238-2xxx****

Example #4:

- Call from **999915036624** (**spoofed #**) to 503-266-8xxx
- Charge number: **503-688-9987***
- Initiated: Thu 2012-01-19 13:35:29 PST
- Via RBOC **EAS** trunk group
- Actual calling number is **651-426-6xxx*****

* 503-688-9987 is part of a thousands block belonging to a **National CLEC**. It is not the customer's Charge Number.

** This number is part of a 1000's block which belongs to **RBOC**. This customer told us that she is an **RBOC** landline customer.

*** NPA/NXX 651-426 is part of **RBOC** End Office.

(503) 227-1122

Customer Complaints

- This number is part of a 1000s block owned by **RBOC**. Reverse lookup shows it assigned to “Goss W” (no address). We believe this Charge Number is being inserted by a **wholesale provider**. It is not the customer’s Charge Number.
- Canby is receiving as many as **8000 calls per 24-hour period** which have 503-227-1122 as the Charge Number
- Calling this number from a local NPA/NXX results in a recorded announcement “Your *international* Call Cannot Be Completed as dialed. Please check the number and dial again, or call your operator for assistance. 113T” or fast busy or “All circuits are busy. Please try your call again later. Announcement inc switch 30 dash 2.” There is tremendous cross-talk (same recorded announcement) and static on the line.
- Multiple customer complaints report caller ID also inaccurately displays the name of a **wholesale provider** along with this number
- See multiple **consumer complaints** regarding calls from 503-227-1122, including multiple phishing scams targeted at elderly consumers, attempts to initiate check / wire fraud, and credit card scams:
 - <http://www.merchantcircle.com/business/Goss.W.503-227-1122/review/read?cid=1745632>
 - <http://www.merchantcircle.com/business/Goss.W.503-227-1122/review/read?cid=1794127>
 - <http://800notes.com/Phone.aspx/1-503-227-1122>
 - <http://whocallsme.com/Phone-Number.aspx/5032271122>



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

July 31, 2009

James W. Cicconi
Senior Executive Vice President-External and Legislative Affairs
AT&T Services, Inc.
1120 20th Street, NW, Suite 1000
Washington, DC 20036

RE: Apple's Rejection of the Google Voice for iPhone Application

Dear Mr. Cicconi:

Recent press reports indicate that Apple has declined to approve the Google Voice application for the iPhone and has removed related (and previously approved) third-party applications from the iPhone App Store.¹ In light of pending FCC proceedings regarding wireless open access (RM-11361) and handset exclusivity (RM-11497), we are interested in a more complete understanding of this situation.

To that end, please provide answers to the following questions by close of business on Friday, August 21, 2009.

1. What role, if any, did AT&T play in Apple's consideration of the Google Voice and related applications? What role, if any, does AT&T play in consideration of iPhone applications generally? What roles are specified in the contractual provisions between Apple and AT&T (or in any non-contractual understanding between the companies) regarding the consideration of particular iPhone applications?
2. Did Apple consult with AT&T in the process of deciding to reject the Google Voice application? If so, please describe any communications between AT&T and Apple or Google on this topic, including the parties involved and a summary of any meetings or discussions.
3. Please explain AT&T's understanding of any differences between the Google Voice iPhone application and any Voice over Internet Protocol applications that are currently used on the AT&T network, either via the iPhone or via handsets other than the iPhone.

¹ See, e.g., Jenna Wortham, "Even Google is Blocked With Apps for iPhone," *New York Times*, July 28, 2009.

4. To AT&T's knowledge, what other applications have been rejected for use on the iPhone? Which of these applications were designed to operate on AT&T's 3G network? What was AT&T's role in considering whether such applications would be approved or rejected?
5. Please detail any conditions included in AT&T's agreements or contracts with Apple for the iPhone related to the certification of applications or any particular application's ability to use AT&T's 3G network.
6. Are there any terms in AT&T's customer agreements that limit customer usage of certain third-party applications? If so, please indicate how consumers are informed of such limitations and whether such limitations are posted on the iTunes website as well. In general, what is AT&T's role in certifying applications on devices that run over AT&T's 3G network? What, if any, applications require AT&T's approval to be added to a device? Are there any differences between AT&T's treatment of the iPhone and other devices used on its 3G network?
7. Please list the services/applications that AT&T provides for the iPhone, and whether there any similar, competing iPhone applications offered by other providers in Apple's App Store.
8. Do any devices that operate on AT&T's network allow use of the Google Voice application? Do any devices that operate on AT&T's network allow use of other applications that have been rejected for the iPhone?
9. Please explain whether, on AT&T's network, consumers' access to and usage of Google Voice is disabled on the iPhone but permitted on other handsets, including Research in Motion's BlackBerry devices.

Request for Confidential Treatment. If AT&T requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of section 0.459.

Thank you in advance for your anticipated cooperation.

Sincerely,

James D. Schlichting
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

July 31, 2009

Catherine A. Novelli, Vice President
Worldwide Government Affairs
Apple Inc.
901 15th Street, NW, Suite 1000
Washington, DC 20005

RE: Google Voice and related iPhone applications

Dear Ms. Novelli:

Recent press reports indicate that Apple has declined to approve the Google Voice application for the iPhone and has removed related (and previously approved) third-party applications from the iPhone App Store.¹ In light of pending FCC proceedings regarding wireless open access (RM-11361) and handset exclusivity (RM-11497), we are interested in a more complete understanding of this situation.

To that end, please provide answers to the following questions by close of business on Friday, August 21, 2009.

1. Why did Apple reject the Google Voice application for iPhone and remove related third-party applications from its App Store? In addition to Google Voice, which related third-party applications were removed or have been rejected? Please provide the specific name of each application and the contact information for the developer.
2. Did Apple act alone, or in consultation with AT&T, in deciding to reject the Google Voice application and related applications? If the latter, please describe the communications between Apple and AT&T in connection with the decision to reject Google Voice. Are there any contractual conditions or non-contractual understandings with AT&T that affected Apple's decision in this matter?
3. Does AT&T have any role in the approval of iPhone applications generally (or in certain cases)? If so, under what circumstances, and what

¹ See, e.g., Jenna Wortham, "Even Google is Blocked With Apps for iPhone," *New York Times*, July 28, 2009.

role does it play? What roles are specified in the contractual provisions between Apple and AT&T (or any non-contractual understandings) regarding the consideration of particular iPhone applications?

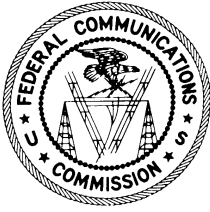
4. Please explain any differences between the Google Voice iPhone application and any Voice over Internet Protocol (VoIP) applications that Apple has approved for the iPhone. Are any of the approved VoIP applications allowed to operate on AT&T's 3G network?
5. What other applications have been rejected for use on the iPhone and for what reasons? Is there a list of prohibited applications or of categories of applications that is provided to potential vendors/developers? If so, is this posted on the iTunes website or otherwise disclosed to consumers?
6. What are the standards for considering and approving iPhone applications? What is the approval process for such applications (timing, reasons for rejection, appeal process, etc.)? What is the percentage of applications that are rejected? What are the major reasons for rejecting an application?

Request for Confidential Treatment. If Apple requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of section 0.459.

Thank you in advance for your anticipated cooperation.

Sincerely,

James D. Schlichting
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

July 31, 2009

Richard S. Whitt, Esq.
Washington Telecom and Media Counsel
Google Inc.
1101 New York Avenue, NW, Second Floor
Washington, DC 20005

RE: Apple's Rejection of the Google Voice for iPhone Application

Dear Mr. Whitt:

Recent press reports indicate that Apple has declined to approve the Google Voice application for the iPhone and has removed related (and previously approved) third-party applications from the iPhone App Store.¹ In light of pending FCC proceedings regarding wireless open access (RM-11361) and handset exclusivity (RM-11497), we are interested in a more complete understanding of this situation.

To that end, please provide answers to the following questions by close of business on Friday, August 21, 2009.

1. Please provide a description of the proposed Google Voice application for iPhone. What are the key features, and how does it operate (over a voice or data network, etc.)?
2. What explanation was given (if any) for Apple's rejection of the Google Voice application (and for any other Google applications for iPhone that have been rejected, such as Google Latitude)? Please describe any communications between Google and AT&T or Apple on this topic and a summary of any meetings or discussion.
3. Has Apple approved any Google applications for the Apple App Store? If so, what services do they provide, and, in Google's opinion, are they similar to any Apple/AT&T-provided applications?
4. Does Google have any other proposed applications pending with Apple, and if so, what services do they provide?

¹ See, e.g., Jenna Wortham, "Even Google is Blocked With Apps for iPhone," *New York Times*, July 28, 2009.

5. Are there other mechanisms by which an iPhone user will be able to access either some or all of the features of Google Voice? If so, please explain how and to what extent iPhone users can utilize Google Voice despite the fact that it is not available through Apple's App Store.
6. Please provide a description of the standards for considering and approving applications with respect to Google's Android platform. What is the approval process for such applications (timing, reasons for rejection, appeal process, etc.)? What is the percentage of applications that are rejected? What are the major reasons for rejecting an application?

Request for Confidential Treatment. If Google requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of section 0.459.

Thank you in advance for your anticipated cooperation.

Sincerely,

James D. Schlichting
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission

QUESTIONS FOR RETAIL PROVIDERS

1. Please identify each least-cost router, interexchange carrier (“IXC”), and any other wholesale relationship (collectively, “LCRs”) that you utilize for the transmission of 1+ and any other long distance/toll calls (“Calls”) placed by your retail end user customers.
2. Please provide a detailed explanation, including any routing table information, indicating how you choose which LCR you will use for the transmission of any given Call. This would include an indication of which LCR you may use on a given day or at a given time.
3. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a failure by one of your retail end user customers to complete a Call to another party located in any area served by a rural local exchange carrier (“RLEC”).
4. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call that rings without answer as placed by one of your retail end user customers to another party located in any area served by an RLEC.
5. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed by one of your retail end user customers to another party located in any area served by an RLEC but was subjected to an intercept message indicating that the Call could not be completed for any reason.
6. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call placed by one of your retail end user customers to another party located in any area served by an RLEC where the Call is alleged to have displayed incorrect, inaccurate, or misleading Caller ID.
7. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a failure to complete a Call to a party located in any area served by an RLEC.
8. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that rings without answer as placed to a party located in any area served by an RLEC.
9. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed to a party located in any area served by an RLEC but was subjected to an intercept message indicating that the Call could not be completed for any reason.
10. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed to a party located in any area served by an RLEC where the Call is alleged to have displayed incorrect, inaccurate, or misleading Caller ID to the called party.
11. Please produce any and all documentation explaining your policies with respect to management of LCRs, including but not limited to any contracts with such LCRs and other statements of policy regarding the need for LCRs to comply with applicable law and ensure timely completion of Calls.
12. Please produce any and all documentation indicating steps that you have taken to address acts or omissions by LCRs with respect to: (a) Calls that ring for the calling party, but not at all or on a delayed basis for the called customer; (b) calling parties who receive intercept messages stating that the Call cannot be completed for any reason; (c) Calls that do not complete; and/or (d) Calls for which incorrect, inaccurate, or misleading caller ID displays to called parties.
13. Please produce any and all communications you have had with RLECs regarding: (a) Calls that ring for the calling party, but not at all or on a delayed basis for the called customer; (b) calling parties who receive intercept messages stating that the Call cannot be completed for any reason; (c) Calls that do not complete; and/or (d) Calls for which incorrect, inaccurate, or misleading caller ID displays to called parties.